

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

JESUS EDEN GARCIA,  
#02128847,

Petitioner,

v.

DIRECTOR, TDCJ-CID,

Respondent.

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No. 3:19-cv-02389-M-BT

**ORDER ACCEPTING FINDINGS AND RECOMMENDATION  
OF THE UNITED STATES MAGISTRATE JUDGE**

The Court has taken under consideration the Findings, Conclusions, and Recommendation of United States Magistrate Judge Rebecca Rutherford dated September 12, 2023. The Court has made a *de novo* review of those portions of the Findings, Conclusions, and Recommendation to which objections were made. **IT IS, THEREFORE, ORDERED** that the Findings, Conclusions, and Recommendation of the United States Magistrate Judge are accepted, and any objections are overruled. The Court construes Petitioner's motion (doc. 51) as a second or successive petition for a writ of habeas corpus under [28 U.S.C. § 2254](#) and TRANSFERS it to the United States Court of Appeals for the Fifth Circuit pursuant to [In re Epps, 127 F.3d 364, 365 \(5th Cir. 1997\)](#). **The Clerk of Court is directed to close this case.**

**SO ORDERED** this 17th day of October, 2023.

  
BARBARA M. G. LYNN  
SENIOR UNITED STATES DISTRICT JUDGE